

Appl. No. : 10/524,443  
Filed : May 18, 2005

## REMARKS

### **1. Disposition of Claims**

Claims 1-22 are pending in this application. Of these, Claims 1-3, 5-7, and 9-13 were examined. Claim 5 has been amended, for which support is found in Claim 7 and the Specification at paragraph [0046] – [0047] and Example 11. Claim 7 has been canceled. No new matter has been added. Reexamination and reconsideration of the application, as amended, are respectfully requested.

### **2. Compliance with 35 USC 102(b)**

The issue is whether Claims 1-3, 5-7, and 9-13 are in compliance with 35 USC 102(b) or anticipated by Baumert et al., J. Virol. 72: 3827 (1998). The rule according to MPEP 2131 is that to anticipate a claim, the reference must teach every element of the claim. As evidenced by the attached Comparison Chart, the reference does not teach every element of the claims. The conclusion is that Baumert et al., J. Virol. 72: 3827 (1998) fails to anticipate the claims. Thus the claims are in compliance with 35 USC 102(b).

### **3. Compliance With Rules Governing Information Disclosure Statements**

The issue is whether the examiner inadvertently left out initialing the Information Disclosure Statement filed on 05/18/2005. The rule according to MPEP 609.05 (b) is that the initials of the examiner be placed adjacent to the citations on the PTO/SB/08 (or equivalent) form to mean that the information has been considered by the examiner. Here, the Information Disclosure Statements mailed on April 14, 2006 and June 29, 2006 were considered by the examiner. Unfortunately, the Information Disclosure Statement filed on 05/18/2005 was not returned with initials of the examiner placed adjacent to the citations. Applicant respectfully requests that the initials of the examiner be placed adjacent to the citations on the Information Disclosure Statement filed on 05/18/2005 to indicate that the information has been considered by the examiner.

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Comparison Chart comparing Baumert 1998, Method 1, Method 2, and Method 3

	<u>Baumert 1998,</u> Referring to Materials and Methods - Purification of HCV-like particles on p. 3828 and Results on p. 3831	<u>Method 1 (Claims 1-3),</u> referring to Spec. at Paragraph [0046] and Example 2	<u>Method 2 (Claims 5-7),</u> referring to Spec. at Paragraph [0047] and Example 11	<u>Method 3 (Claims 9-13),</u> referring to Spec. at Paragraph [0048] and Example 18
<u>Hypertonic wash</u>	None	None	None	[Hypertonic wash]
<u>Hypotonic shock</u>	None	None	None	[Hypotonic shock]
<u>Lysis</u>	Lysis in a buffer containing a mild non- ionic detergent, either 0.1% NP-40 <sup>1</sup> or 0.5% digitonin + Protease inhibitors <sup>2</sup>	Lysis in a buffer containing digitonin + Protease inhibitors + Protease inhibitors <sup>2</sup>	Lysis in a buffer containing ≤ 0.25% digitonin + Protease inhibitors	Lysis in a buffer containing digitonin + Protease inhibitors
<u>Pelleting</u>	Pellet over a sucrose cushion	Precipitate with a polyethylene glyco]	Pellet over a sucrose cushion	Pellet over a sucrose cushion

<sup>1</sup> Synonyms: Nonylphenylpolyethylene glycol; Polyethyleneglycol-p-isooctylphenyl ether; Octylphenoxy polyethoxy ethanol; Polyethylene Mono(nonylphenyl)ether Glycols; Polyoxyethylene (9) Nonylphenyl Ether; nonyl phenol ethoxylate; nonylphenyl polyethyleneglycol ether, nonionic; polyethylene glycol 450 nonyl phenyl ether, nonionic surfactant; Tergitol NP-9; polyethylene glycol 450 nonyl phenyl ether; Ethoxylated nonylphenol; alpha(nonylphenyl)-omega-hydroxypoly(oxy-1,2-ethanediyl); polyethylene glycols mono(nonylphenyl)ether; macrogol nonylphenyl ether; nonoxinol; polyoxyethylene(n-nonylphenyl)ether; nonylphenoxypolyethoxyethanol; nonylphenyl polyethylene glycol ether; nonoxynol; Makon; T-DET-N; surfonic n; sterox; arkopal N-090; carsonon N-9; igepal co-630; neutronyx 600; PEG-9 nonyl phenyl ether; protachem 630; rewpol hv-9; polyoxyethylene nonyl phenol; Glycols; Glycols, polyethylene, mono(nonylphenyl) ether; Nonylphenol polyethylene glycol ether; Nonylphenol, polyoxyethylene ether; Nonylphenoxypoly(ethyleneoxy)ethanol; POE nonylphenol; Polyoxyethylene nonylphenol; POE (10) nonylphenol.

<sup>2</sup> Aprotinin and leupeptin.

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### **CONCLUSION**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/21/07

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AMEND

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